IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1883 OF 2006.

Zoeb Mansawala & Ors. ..Petitioners

versus

The Mumbai Building Repairs
& Contructions Board & Ors. ..Respondents

Ms. Eventa Gonsalves for the Petitioner

Mr.G.N.Mathews AGP for the Respondent Nos.1 and 2

Coram : F.I.Rebello &
S.R.Sathe, JJ.
Dated : 8th Sept, 2006

P.C.

. Rule.

2. Heard both the parties.

3. Petitioner had earlier filed application in this court, pursuant to which various directions were issued in the matter of reconstruction. As the respondents were not reconstructing the building the petitioner approached this Court. Shri Ramesh R. Shinde, Executive Engineer, Reconstruction Unit-I (RU-1) Bombay Building Repairs has filed his reply. It has been pointed out therein in paragraph 4 that in view of the material on record and what the Municipal Corporation has informed, it is not

feasible to reconstruct as 50% of the plot is effected by road widening.

4. On the other hand, on behalf of the petitioner, the learned Counsel points out that he has approved plans from MHADA for reconstruction.

5. We do not propose to go into the issue as it would involve going into the facts. Suffice it to say it would be open to the petitioner to make a representation to the respondents namely the Chief Officer of the Respondent No.1. Board. The Chief Officer after hearing the petitioner and the representations made by them to consider if the construction is feasible, and if it is feasible to take decision within four weeks thereafter. In the event the construction is not feasible the name of the petitioner be included in the master list according to law.

. With the above observations the petition stands disposed of with no order as to cost.

(F.I.REBELLO, J.)

(S.R.SATHE, J.)